



## Korea, Democratic People's Republic of

### Country Reports on Human Rights Practices - [2002](#)

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The Democratic People's Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong Il, who has exercised unchallenged authority since his father Kim Il Sung died in 1994. He was named General Secretary of the Korean Workers' Party (KWP) in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished, leaving the late Kim Il Sung as the DPRK's "eternal president." The Korean People's Army continued to displace the KWP as Kim Jong Il's chief instrument for making and implementing policy. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime continues to emphasize "juche," a national ideology of self-reliance. The judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force. These organizations also assisted the Ministry of Public Security (MPS) and the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directed all significant economic activity, and only government-controlled labor unions were permitted in this country of 22 million persons. Industry continued to operate at significantly reduced capacity, reflecting antiquated plant and equipment and severe shortages of inputs, due in part to the sharp decline in trade and aid that followed the collapse of the former Soviet Union and East European Communist governments. Efforts at recovery have been hampered by heavy military spending, which amounted to approximately one quarter of gross domestic product (GDP) before the economy went into decline and was probably an even larger share of national output during the year. The economy was also hampered by a lack of access to commercial lending stemming from the country's default on its foreign debt and its inability to obtain loans from international financial institutions. Rarely food self-sufficient, the country relied on international aid and trade to supplement domestic production, which has been hobbled by disastrous agricultural policies. From 1995 to 1997, famine caused internal dislocation and widespread malnutrition, and an estimated 1 to 2 million persons, or possibly as much as 10 percent of the population, died from starvation and related diseases.

Economic and political conditions have caused at least tens of thousands of persons to flee their homes. The Government continued to seek international food aid, produce "alternative foods," and take other steps to boost production. It permitted the spread of farmers' markets to compensate for the contraction of food supplied through the public distribution system. Food, clothing, and energy were rationed throughout the country. The U.N.'s World Food Program provided assistance to children and mothers, and the elderly. According to South Korean figures, North Korea's GDP began to grow slightly in 2000, but this was due largely to international aid and South Korean investment and followed years of steady decline during which GDP was estimated to have shrunk by half since 1993. In mid-year, North Korea raised wages and prices drastically and announced a shift in management methods towards granting managers more responsibility. However, these changes failed to have the desired impact on the country's economy, as inflation rose dramatically in the later months of the year. The creation of a Special Administrative Region (SAR) in Sinuiju was announced but encountered immediate difficulties; the Sinuiju SAR is planned as an autonomous region with its own legislative, administrative, and judicial systems, intended to specialize in light industries in line with the July economic reform measures.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right peacefully to change their government, and the leadership viewed most international human rights norms, particularly individual rights, as illegitimate, alien, and subversive to the goals of the State and Party. There continued to be reports of extrajudicial killings and disappearances. Citizens were detained arbitrarily, and many were held as political prisoners. Prison conditions were harsh, and torture was reportedly common. Female prisoners underwent forced abortions, and in other cases babies reportedly were killed upon birth in prisons. The constitutional provisions for an independent judiciary and fair trials were not implemented in practice. The regime subjected its citizens to rigid controls over many aspects of their lives. A human rights dialogue initiated by the European Union in 2001 led to another exchange of views in June 2002 in Pyongyang, but the Government did not acknowledge that international standards of human rights apply to North Korea. The Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of "crimes against the

revolution," including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. Citizens were denied freedom of speech, the press, assembly, and association, and all forms of cultural and media activities were under the tight control of the Party. Little outside information reached the public except that which was approved and disseminated by the Government. The Government restricted freedom of religion, citizens' movement, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary and Unlawful Deprivation of Life

Defectors and refugees have reported that the regime executed political prisoners, opponents of the regime, some repatriated defectors, and others, reportedly including military officers suspected of espionage or of plotting against Kim Jong Il. Criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners were sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also were carried out before assembled inmates at places of detention. Border guards reportedly had orders to shoot to kill potential defectors. Similarly, prison guards were under orders to shoot to kill those attempting escape in political concentration camps, according to defectors.

Defectors have reported that government officials prohibited live births in prison. Forced abortion and the killing of newborn babies reportedly were standard prison practices (see Section 1.c.).

Religious and human rights groups outside the country reported that some members of underground churches were killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

According to some humanitarian organizations, the Government has channeled international food and medical aid to the party elite, military personnel, and other persons viewed as loyal to the regime.

#### b. Disappearance

The Government reportedly was responsible for cases of disappearance. According to recent defector reports, individuals suspected of political crimes often were taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado, without notifying detainees' relatives.

There also were long-standing reports of past government involvement in the kidnaping abroad of South Koreans, Japanese, and other foreign nationals. On September 17, Kim Jong Il admitted to Japanese Prime Minister Koizumi that the Government had abducted 13 Japanese citizens during the 1970s. According to Japanese government officials, these abductions took place between 1977 and 1983. Government spies used the identities of some of the victims, and some of the victims were forced to provide training in Japanese language and customs. The Government allowed five surviving victims to visit Japan in October for 1 week, but the victims have remained in Japan since that time. The Government alleged that the remaining 8 are deceased. There was speculation, not officially confirmed by the Japanese Government or the DPRK Government, that the DPRK Government has abducted many more Japanese residents over the years.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To beach. According to those arrested, there were several other kidnapings in the late 1970s and early 1980s. The South Korean Government has compiled a list of 486 South Korean citizens, most of whom were fishermen, abducted since the 1950-53 Korean War.

In addition, several suspected cases in recent years of kidnaping, hostage-taking, and other acts of violence, apparently intended to intimidate ethnic Koreans living in China and Russia, have been reported. There were unconfirmed reports that in January 2000 North Korean agents. Despite the unprecedented admission to Prime Minister Koizumi, the Government continued to deny that it had been involved in kidnapings of other foreign nationals.

Numerous reports indicated that ordinary citizens were not allowed to mix with foreign nationals, and Amnesty International reported that a number of citizens who maintained friendships with foreigners have disappeared.

#### Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not prohibited by law. Methods of torture reportedly routinely used on political prisoners included severe beatings, electric shock, prolonged periods of exposure, humiliations such as public nakedness, and confinement to small "punishment cells," in which prisoners were unable to stand upright or lie down, where they could be held for several weeks. According to defector reports, many prisoners died from torture, disease, starvation, exposure, or a combination of these causes. The U.S. Committee for Human Rights in North Korea claimed that approximately 400,000 persons died in prison since 1972.

Recent crackdowns in China on prostitution and forced marriages resulted in the deportation of thousands of North Korean women, some of whom were pregnant, and many were imprisoned upon their return to the country. There were reports that North Korean officials prohibited live births in prison and that a policy of forced abortion was regularly implemented, particularly in those detention centers holding women repatriated from China. In those cases where live births did occur, the babies reportedly were immediately killed. In addition, guards sexually abused female prisoners.

Prison conditions were harsh; starvation and executions were common. Entire families, including children, were imprisoned when one member of the family was accused of a crime. "Reeducation through labor" was a common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. Visitors to the country observed prisoners being marched in leg irons, metal collars, or shackles. In some places of detention, prisoners were given little or no food and, when they contracted illnesses, were denied medical care. In one prison, clothing reportedly was issued only once in 3 years.

In June Lee Soon-ok, a woman who spent several years in a prison camps before fleeing first to China in 1994 and then to South Korea, testified before the U.S. Senate that the approximately 1,800 inmates in this particular camp in those years typically worked 16 to 17 hours a day. Lee Soon-ok witnessed severe beatings and torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and reported that chemical and biological warfare experiments were conducted on inmates by the army. Other defectors reported similar experiences. At Camp 22 in Haengyong, approximately 50,000 prisoners worked under conditions that reportedly resulted in the death of 20 to 25 percent of the prison population annually in the 1990s.

During the year, witnesses testified before the U.S. Congress about the treatment of persons held in prison camps through the early 1990s. Some of these witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates (see Section 2.c).

The Government did not permit inspection of prisons by human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Little information was available on criminal justice procedures and practices, and outside observation of the legal system has been limited to show trials for traffic violations and other minor offenses.

Family members and other concerned persons reportedly found it virtually impossible to obtain information on charges against or the length of sentences of detained persons. Judicial review of detentions did not exist in law or in practice.

During the year, an estimated 200,000 persons were in detention for political reasons in camps in remote areas. The Government denied the existence of prison camps for political prisoners, which are marked as military areas to prevent access by the local population. In recent years, the Government reportedly reduced the total number of prison camps from approximately 20 to less than 10, but the prison population was consolidated rather than reduced. In addition to these camps for political prisoners, there reportedly were approximately 30 forced labor and labor education camps in the country for ordinary criminals serving shorter terms. The Government did admit that there were "education centers" for persons who "committed crimes by mistake." A defector who had been a ranking official in the Ministry of Public Security stated that conditions in the camps for political prisoners were extremely harsh and prisoners never emerged. In these camps, prisoners received little food and no medical provisions. In the labor camps, however, prisoners could be "rehabilitated."

The Government is not known to use forced exile. However, the Government routinely used forced internal resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. Although disabled veterans were treated well, other persons with physical disabilities, as well as those judged to be politically unreliable, have been sent into internal exile. Often those relocated were selected on the basis of family background. Nonetheless, there was some evidence that class background was less important than in the past because of the regime's emphasis on the solidarity of the "popular masses" and united front efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

## e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary did not exist in practice. Furthermore, individual rights were not acknowledged. The Public Security Ministry dispensed with trials in political cases and referred prisoners to the Ministry of State Security for punishment.

The Constitution contains elaborate procedural protections. It states that cases should be heard in public, except under some circumstances stipulated by law. The Constitution also states that the accused has the right to a defense, and when trials were held, the Government apparently assigned lawyers. However, reports indicated that defense lawyers were not considered representatives of the accused; rather, they were expected to help the court by persuading the accused to confess guilt. Some reports noted a distinction between those accused of political crimes and common criminals and stated that the Government afforded trials or lawyers only to the latter. The Government considered critics of the regime to be political criminals.

Numerous reports suggested that political offenses have in the past included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or, in the case of a professor reportedly sentenced to work as a laborer, noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kims. Beginning in the 1970s, the Ten Great Principles of Unique Ideology directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kims was a political criminal and should be punished as such. Defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families were required to display pictures of the two leaders in their homes, and if local party officials found that the family had neglected its photos, the family could be forced to write self-criticisms throughout an entire year.

A foreigner hired to work on international broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He was then imprisoned for six more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust.

Common criminals were occasionally amnestied on the occasion of Kim Il Sung's or Kim Jong Il's birthday.

## f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government did not respect these provisions in practice. The regime subjected its citizens to rigid controls. The leadership viewed most international human rights norms, especially individual rights, as alien social concepts subversive to the goals of the State and Party. The Government relied upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes were subjected to massive security checks. The possession of "reactionary material" and listening to foreign broadcasts were crimes that could subject the transgressor to harsh punishments. In some cases, entire families were punished for alleged political offenses committed by one member of the family, under a policy of "collective retribution." For example, defectors reported that families were punished because children had accidentally defaced photographs of one of the two Kims (see Section 1.e.).

The Government monitored correspondence and telephone conversations. Telephones essentially were restricted to domestic operation although some international service was available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration was submitted, the Ministries of State Security and Public Safety sought to identify the author through handwriting analysis. The suspected individual could be subjected to a thorough investigation and punishment.

Since the late 1950s the regime has divided society into three main classes: "core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there were signs that this rigid system has been relaxed somewhat in recent years—for example, children of religious practitioners were no longer automatically barred from higher education—it remained a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appeared to be classified as part of the "hostile class." This subcategory alone encompassed a significant percentage of the population. One defector estimated that those considered potentially hostile comprised 25 to 30 percent of the population; others placed the figure at closer to 20 percent. Members of this class still were subject to discrimination, although defectors reported that their treatment had improved greatly in recent years.

The authorities subjected citizens of all age groups and occupations to intensive political and ideological indoctrination. After

Kim Il Sung's death, his cult of personality and the glorification of his family and the official juche ideology remained omnipresent, approaching the level of a state religion. The indoctrination was intended to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination repeatedly was stressed in the writings of Kim Jong Il, who attributed the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination was carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he also called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the Government's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of persons. According to news reports, hundreds of thousands of citizens were mobilized to greet and perform for China's President, Jiang Zemin, when he visited North Korea in September 2001. In September 1998, celebrations of the 50th anniversary of the founding of the country included hours of carefully choreographed demonstration of mass adulation of the leadership, and in October 2000, similar celebrations of the 55th anniversary of the KWP reportedly involved more than 1 million persons.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government prohibited the exercise of these rights in practice. Articles of the Constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" take precedence over individual political and civil liberties. The regime only permitted activities that supported its objectives.

The Government strictly curtailed freedom of speech. Authorities punished persons for criticizing the regime or its policies with imprisonment or "corrective labor." Persons reportedly have been placed under surveillance through their radio sets, and imprisoned and executed for statements made at home that were critical of the regime.

The Government attempted to control all information. Claiming that the country was under continuing threat of armed aggression, the Government carefully managed the visits of foreign journalists. On occasion, when it served its agenda, the Government allowed foreign media to cover some events. During the year, foreign journalists were allowed to cover an international marathon and the "Arirang" Festival. During the June 2000 inter-Korean summit and other events involving foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports, although they were strictly monitored. They were not allowed to talk to officials or to persons on the street, and those who arrived with cellular or satellite phones had them confiscated for the duration of their stay. In August 2000, the presidents of 46 South Korean newspaper and broadcast organizations, led by the South Korean Minister of Culture and Tourism, traveled to the country and met with Kim Jong Il. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997 and the concrete-pouring ceremony in August 2002. Although more foreign journalists were allowed into the country, the Government still maintained strict control over the movements of foreign visitors.

Domestic media censorship was enforced strictly, and no deviation from the official government line was tolerated. The regime prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets received only domestic programming; radios obtained from abroad were required to be submitted for alteration to operate in a similar manner. CNN television broadcasts were only available in a Pyongyang hotel frequented by foreigners. Private telephone lines operated on an internal system that prevents making and receiving international calls; international phone lines were available only under very restricted circumstances. Some deluxe hotels in Pyongyang offered Internet service for foreign visitors. For citizens, Internet access was limited to high-ranking officials who specialized in science and technology fields. This access was provided via international telephone lines to a provider in China.

The Government severely restricted academic freedom and controlled artistic and academic works. Visitors reported that one of the primary functions of plays, movies, operas, children's performances, and books was to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il. The Government reached an agreement with the PRC-based Yanbian University of Science and Technology to allow a branch institution to be set up in Pyongyang to be run jointly by the Government and the University. This would be the first semiprivate educational institution in the country.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government did not respect this provision in practice. The Government prohibited any public meetings without authorization.

The Constitution provides for freedom of association; however, the Government did not respect this provision in practice. There were no known organizations other than those created by the Government. Professional associations existed primarily to facilitate government monitoring and control over the organizations' members.

## c. Freedom of Religion

The Constitution provides for "freedom of religious belief"; however, in practice the Government discouraged organized religious activity except that which was supervised by officially recognized groups. In 1992 a constitutional change authorized religious gatherings, provided for "the right to build buildings for religious use," and deleted a clause about freedom of antireligious propaganda. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security." Genuine religious freedom did not exist.

Several government-sponsored religious organizations served as interlocutors with foreign church groups and international aid organizations. Foreigners who met with representatives of these organizations believed that some were genuinely religious but noted that others appeared to know little about religious dogma, liturgy, or teaching.

The number of religious believers was unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics, in addition to an undetermined number of persons belonging to underground Christian churches. Some sources estimated that as many as 500 informal Christian congregations were active during the year. In its July 30 report to the U.N. Human Rights Committee, the Government reported the existence of 500 "family worship centers," an apparent reference to these congregations. Some reports indicated that such "house churches" have been increasingly tolerated so long as they do not openly proselytize or have contact with foreign missionaries. The Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, also remained in existence.

Most of the 300 Buddhist temples were regarded as cultural relics, but in some of them religious activity was permitted. Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple were translated and published. Since 1988 two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have opened in Pyongyang. Several schools for religious education existed, including 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector. It was not known whether any Catholic priests remained in the country. In July 2000, Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted as stating that while there were 50 priests in the country in the 1940s, it was not known if any were still alive.

Hundreds of religious figures have visited the country in recent years, including papal representatives and religious delegations from South Korea, the United States, and other countries. Overseas religious relief organizations have been active in responding to the country's food crisis. Although some foreigners who visited the country stated that church activity appeared staged, others believed that church services were genuine, although sermons contained both religious and political content supportive of the regime.

Persons engaging in religious proselytizing could be arrested and subjected to harsh penalties, including imprisonment and prolonged detention without charge. The regime appeared to have cracked down on unauthorized religious groups in recent years, particularly on persons who proselytized or who had ties to overseas evangelical groups operating across the border with China. The Government appeared concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with China becoming entwined with political goals, including opposition to the regime. Some repatriated defectors who had established contacts with religiously based South Korean groups were reportedly executed.

Religious and human rights groups outside the country continued to provide numerous, unconfirmed reports that thousands of members of underground churches were beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that approximately 400 Christians were executed during 2001. These reports could not be confirmed or disproved because of the effectiveness of the Government's continued ban on outside observers. Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lent credence to such reports.

Little was known about the actual life of religious persons in the country. Members of government-recognized religious groups did not appear to suffer discrimination; in fact, some reports claimed they had been mobilized by the regime. Persons whose parents were believers but who themselves were nonpracticing were able to rise to at least the midlevels of the bureaucracy in recent years. Such individuals, as a category, suffered broad discrimination in the past. However, the regime continued to view religious believers belonging to underground congregations or with ties to evangelical groups in North China as subversive elements.

The Government dealt harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. During the year, witnesses testified before the U.S. Congress about the treatment of persons held in prison camps through the early 1990s. Some of these witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates. One witness, a former prison guard, testified that those believing in God were regarded as insane, since authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten.

For a more detailed discussion see the 2002 International Religious Freedom Report.

## d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the "freedom to reside in or travel to any place"; however, the Government did not respect these rights in practice. In the past, the regime has controlled strictly internal travel, requiring a travel pass for any movement outside one's home village. These passes were granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appeared that the internal controls on travel have eased significantly. Due to the worsening food conditions in the country, the Government at times took a benign approach to those who violated internal travel rules, allowing citizens to leave their villages to search for food, and there were reports of large-scale movement of persons across the country in search of food. Only members of a very small elite had vehicles for personal use. The regime tightly controlled access to civilian aircraft, trains, buses, food, and fuel.

The Government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country.

The regime issued exit visas for foreign travel only to officials and trusted artists, athletes, academics, and religious figures. It did not allow emigration. Following the collapse of Soviet Communism, the regime recalled several thousand students from overseas, but recently has again allowed small numbers of students to study abroad.

Since the mid-1990s, there have been numerous reports of a steady increase in the substantial number of North Korean refugees arriving in China from which some proceeded to Hong Kong, Vietnam, and other Asian countries. While thousands crossed into China during the year, many returned to North Korea after securing food.

According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. According to many unconfirmed reports, some would-be refugees who were returned involuntarily have been executed (see Section 1.a.), while others faced harsh prison terms upon repatriation. Some migrants stated that DPRK border guards received orders to shoot to kill persons attempting to cross the border into China, although some border crossings for family visits and trade were permitted. The regime also reportedly retaliated against the relatives of some of those who managed to leave the country.

During the year, deportations of North Koreans from China increased. While the Chinese Government has long maintained that there were only a few hundred North Korean refugees in China, many observers estimated that since 1994 there have been at least tens of thousands, and perhaps a few hundred thousand refugees in China. Most crossed the border clandestinely in small groups to seek food, shelter, and work. Some settled semi-permanently in Northeastern China, while others traveled back and forth across the border. Since 2000 the Chinese government sought out and forcibly repatriated large numbers of these persons, whom authorities regarded as illegal economic migrants. The Chinese government also allowed North Korean security forces to operate within China to track down refugees.

During the year, approximately 130 North Koreans were allowed to travel to South Korea after seeking refuge in foreign missions in China. In response to these high-profile incidents, both China and North Korea tightened border controls, and border crossings declined significantly late in the year.

North Korean workers and refugees living in Russia also suffered serious human rights abuses. There were about 6,000 DPRK workers in North Korean-run camps in the Russian Far East engaged in farming, mining, and construction; these workers were selected by the Government to work in Russia. Conditions in these camps were harsh, food was scarce, and discipline was severe. In the past, there were allegations that discipline included physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions there in the early 1990s.

Other North Koreans in Russia included those who were sent to work in Russia but refused to return to the DPRK and those who fled into Russia from the DPRK. Under a secret protocol, the Public Security Service reportedly was allowed to work inside Russia until 1993 to track down workers who fled the camps. Since 1993 many of these defectors have been engaged in business in the Russian Far East.

Many North Koreans in Russia faced severe hardship due to their lack of any identification. Workers arriving in Russia usually had their passport and other identification confiscated by North Korean border guards.

The Government reportedly has tried to prevent persons from staying in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both countries in 1957 requires that persons with criminal records be returned to their country.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit

Japan every 2 or 3 years, none were permitted to do so until 1997. Many had not been heard from, and their relatives and friends in Japan were unsuccessful in their efforts to gain information about their condition and whereabouts. The DPRK Government and the Japanese Government held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK Government agreed to allow some Japanese wives resident in the DPRK to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for 1 week in early 1998. However, in June 1999 the DPRK Government cancelled a visit by Japanese wives to Japan, citing "artificial hurdles and inhuman acts on the Japanese side." The visits resumed after the Japanese Government and the DPRK Government restarted normalization talks in April 2000. A group of 16 Japanese wives visited Japan in September 2000; however, no visits took place during 2002.

In September 2001, the wife of a former Japanese Red Army hijacker being sheltered by the North returned to testify about the group in Japan.

Although the Government has permitted an increasing number of overseas Koreans to visit their relatives in North Korea over the past decade, most requests for such visits were denied. In August and December 2000, and in February 2001, the DPRK and the Republic of Korea sent delegations of members of separated families to each other's capitals for family reunion meetings. However, the meetings generally were of limited duration and certain topics were barred from discussion. A fourth reunion was scheduled for October 2001; however, the Government cancelled the meetings citing South Korea's nation-wide security alert issued after September 11, 2001. During the year, the fourth reunion was held, followed by a fifth, and initial discussions began regarding establishing a permanent reunion center in Mt. Kumgang, North Korea.

Although more foreign journalists, diplomats, and representatives of humanitarian organizations were allowed into the country, the Government maintained strict control over the movements of foreign visitors. For example, journalists accompanying one visiting foreign dignitary were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay.

In August 2001, the Government allowed over 300 South Korean citizens to visit the country to participate in Liberation Day festivities; this was reportedly the largest South Korean delegation ever to visit the country. In May another group of 250, from South Korea's Cheju Island, visited the country. Their movements were strictly controlled. International humanitarian relief workers also faced substantial restrictions on their movements within the country (see Section 4).

Reports, primarily from refugees, indicated that the Government routinely used forced resettlement, particularly for those deemed politically unreliable and the physically handicapped.

Although a member of the United Nations, the country did not participate in international refugee forums. The Government had no known policy or provision for refugees, asylees, or first asylum.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right or mechanisms to change their leadership or government peacefully. The political system was dominated by the Korean Workers' Party and Korean People's Army, with Kim Il Sung's heir, Kim Jong Il, in control. Very little reliable information was available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days per year, served only to rubber-stamp resolutions presented to it by the party leadership. In 1997 Kim Jong Il acceded to the position of General Secretary of the KWP. In 1998 the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position to be the "highest office of State." The Government adopted a "military first" policy that formalized and legitimated the growing power and influence of the military. The presidency was abolished, leaving the late Kim Il Sung as the country's only President. The titular head of state is Kim Yong Nam, the President of the Presidium of the SPA.

The regime justified its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the *juche* idea." The authorities emphasized that the core concept of *juche* is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, *juche* is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change. It was used by the regime as a "spiritual" underpinning for its rule.

In an effort to give the appearance of democracy, the Government had created several "minority parties." Lacking grassroots organizations, they existed only as rosters of officials with token representation in the SPA. Their primary purpose appeared to be promoting government objectives abroad as touring parliamentarians. Free elections did not exist, and the regime criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Elections to the SPA and to provincial, city, and county assemblies are held irregularly. In 1998 SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members worked to implement decrees formulated by the Party's small elite.

Women reportedly made up 20 percent of the membership of the SPA, but only approximately 4 percent of the membership of



the Central Committee of the KWP.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. A North Korean Human Rights Committee, established in 1992, denied the existence of any human rights violations in the country.

The World Food Program (WFP) visited 163 of the country's 206 provinces during the year and completed a nutritional study. However, aid workers representing foreign governments and international organizations, who provided substantial food aid, frequently were denied access to sites where this food was distributed, and thus were unable to verify that the aid consistently reached its intended recipients. Many foreign NGOs reported being charged large fees by Government officials to get visas for foreign staff, to set up offices, and to establish programs. There were reports of abduction of ethnic Korean aid workers by government officials; some victims were required to pay large fines to obtain their release.

In July 2001, a North Korean delegate reporting to the U.N. Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of "egoistic" and "hostile forces" seeking to undermine the sovereignty of the country.

In 1996 a delegation from Amnesty International visited the country and discussed legal reforms and prisoner cases with senior government officials. The Government ignored requests for visits by other international human rights organizations, and none were known to have visited.

The Government has reestablished diplomatic ties with a number of countries that have sought to engage it on human rights. In June government officials discussed human rights with EU representatives. As was the case after June 2001 talks, no significant progress resulted. The DPRK participants in the talks told the EU that the Government had ratified all U.N. human rights instruments except those on torture and racial discrimination, which were "being examined."

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the Government for its human rights practices. The DPRK Government subsequently announced that it would withdraw from the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant, and in August 1998, the Human Rights Committee readopted a resolution urging the DPRK Government to improve its human rights record. During the year, the Government submitted a report on human rights to the U.N. Human Rights Committee.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, the Government denied its citizens most fundamental human rights in practice, and there was pervasive discrimination on the basis of social status.

##### Women

The Constitution states that "women hold equal social status and rights with men"; however, although women were represented proportionally in the labor force, few women had reached high levels of the Party or the Government. In many small factories, the work force was predominantly female. Like men, working-age women must work. They were thus required to leave their preschool children in the care of elderly relatives or in state nurseries. According to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Section 6.f.).

There was no information available on violence against women.

##### Children

Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. However, some children were denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of their parents (see Section 1.f.).

Like others in society, children were the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources reported that children from an early age were subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

The WFP reported feeding 4 million North Korean children during the year. In some remote provinces, many persons reportedly appeared to be suffering from long-term malnutrition. A nutrition survey carried out in 2000 by UNICEF and the WFP in the aftermath of flood disasters found that 16 percent of children under 7 years of age suffered from acute malnutrition and that 62 percent suffered from stunted growth. In 1997 a senior UNICEF official said that approximately 80,000 children in the country were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree.

In practice children did not enjoy any more civil liberties than adults. The U.N. Committee on the Rights of the Child (UNCRC) has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society.

In the fall of 1998, Doctors Without Borders (MSF) and Doctors of the World closed their offices in the country because the Government reportedly denied them access to a large population of sick and malnourished children. MSF officials stated that they had evidence that orphaned and homeless children had been gathered into so-called "9-27 camps." These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to "normalize" the country. Refugees who have escaped from the 9-27 camps into China have reported inhuman conditions. There have been reports that some of the 9-27 camps have been closed in recent years.

Information about societal or familial abuse of children was unavailable. There were reports of trafficking in young girls among persons crossing the border into China (see Section 6.f.).

#### Persons with Disabilities

Traditional social norms condone discrimination against persons with physical disabilities. Apart from veterans with disabilities, persons with disabilities almost never were seen within the city limits of Pyongyang, and several defectors and other former residents reported that persons with disabilities routinely were relocated to rural areas. Furthermore, some NGO reports claimed that these persons, along with some sick and elderly persons from the capital, were predominantly sent to the northeastern part of the country, where international food aid reportedly was no longer distributed by the Government. However, recent visitors to Pyongyang have reported seeing handicapped people on the streets of the capital. There are no legally mandated provisions for accessibility to buildings or government services for persons with disabilities.

#### Section 6 Worker Rights

##### a. The Right of Association

Nongovernmental labor unions did not exist. The KWP purported to represent the interests of all labor. There was a single labor organization, the General Federation of Trade Unions of Korea, which was affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions functioned on the classic "Stalinist model," with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities.

The country was not a member of, but had observer status with, the International Labor Organization.

##### b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigned all jobs. Ideological purity was as important as professional competence in deciding who received a particular job, and foreign companies that have established joint ventures reported that all their employees had to be hired from lists submitted by the KWP. Factory and farm workers were organized into councils, which did have an impact on management decisions. Unions do not have the right to strike.

There is one free enterprise zone (FEZ) in the Rajin-Songbon area, and the creation of a Special Administrative Region in Sinuiju was announced. The same labor laws that applied in the rest of the country applied in the Rajin-Songbon FEZ, and it was believed that workers in the FEZ were carefully screened and selected. The Korean Peninsula Energy Development Organization (KEDO) negotiated in 1994 a separate protocol and service contracts for workers at the site of its light water nuclear reactor project. The government agency, which supplied the labor to KEDO, bargained on the workers' behalf (see Section 6.e.).

##### c. Prohibition of Forced or Bonded Labor

In its 2000 and 2001 reports to the U.N. Human Rights Committee, the Government claimed that its laws prohibit forced or bonded labor. However, the Government frequently mobilized the population for construction projects. Military conscripts routinely were used for this purpose as well. "Reformatory labor" and "reeducation through labor" were common punishments for political offenses. Forced labor, such as logging and tending crops, was common among prisoners. School children were

assigned to factories or farms for short periods to help meet production goals (see Section 5).

The Constitution requires that all citizens of working age must work and "strictly observe labor discipline and working hours." The Penal Code provides for the death penalty for any individual who hinders the country's industry, trade, or the transport system by purposely failing to fulfill a specific duty. It also states that anyone failing to carry out an assigned task properly is subject to at least 5 years in prison (see Section 6.e.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years. There was no prohibition on forced labor by children, and school children were assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

#### e. Acceptable Conditions of Work

No data was available on the minimum wage in state-owned industries. Until the recent food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level; however, in recent years that has no longer been the case. Wages were not the primary form of compensation since the State provided all educational and medical needs free of charge, and only token rent was charged. The minimum wage for workers in the FEZ was approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FEZ the minimum wage was reportedly close to \$110 per month. It was not known what proportion of the foreign-paid wages went to the worker and what proportion remained with the State. KEDO, the international organization charged with implementation of a light-water reactor and other projects, concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who work on KEDO projects. Unskilled laborers received approximately \$110 per month while skilled laborers were paid slightly more depending on the nature of the work performed (see Section 6.b.).

The Constitution states that all working-age citizens must work and "strictly observe labor discipline and working hours." The Penal Code states that anyone who hampers the nation's industry, commerce, or transportation system by intentionally failing to carry out a specific assignment "while pretending to be functioning normally" is subject to the death penalty; it also states that anyone who "shoddily carries out" an assigned duty is subject to no less than 5 years' imprisonment.

Even persistent tardiness could be defined as "anti-Socialist wrecking" under these articles, although as a result of food shortages absenteeism reportedly became widespread as more time must be spent finding food. A government official described the labor force to an audience of foreign business executives by noting that "there are no riots, no strikes, and no differences of opinion" with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources reported that most laborers worked from 12 to 16 hours daily when factories were operating. Some of this additional time appeared to include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Paid leave was provided on public holidays, but on some holidays some persons were required to participate in mass demonstrations involving extra hours of preparation.

Many worksites were hazardous, and the rate of industrial accidents was high. It was believed that workers did not have the right to remove themselves from hazardous working conditions.

#### f. Trafficking in Persons

There were no known laws specifically addressing the problem of trafficking in persons, and trafficking was a serious problem. There were widespread reports of trafficking in women and young girls among citizens crossing the border into China. Some were sold by their families or by kidnapers as wives to men in China. A network of smugglers reportedly facilitated this trafficking. Many such women, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes.